

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NORBERTO BARRERA,
Movant,

-vs-

UNITED STATES OF AMERICA,
Respondent.

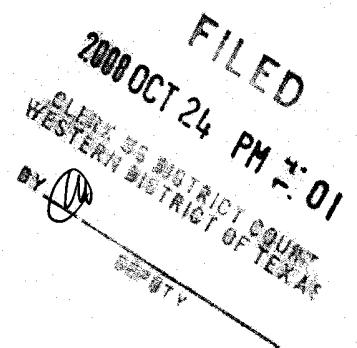
Case No. A-07-CA-628-SS
[No. A-97 CR 022(1)-SS]

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ORDER

BE IT REMEMBERED on the 24th day of October 2008 the Court reviewed the file in the above-styled cause, and specifically Norberto Barrera's "Motion to Alter or Amend Judgment" filed October 14, 2008, and thereafter, enters the following:

Once again, Mr. Barrera seeks to appeal a judgment executed on October 31, 2007, and filed of record on November 2, 2007. The United States Court of Appeals for the Fifth Circuit ruled on May 5, 2008, that his failure to file a notice of appeal timely was jurisdictional and dismissed the appeal. Subsequently, the Circuit entered its order overruling Mr. Barrera's motion for rehearing. This Court previously denied—on August 27, 2008—Mr. Barrera's motion for relief from judgment under Rule 60(b)(1) of the Federal Rules of Civil Procedure. Now Mr. Barrera attempts to "alter or amend" the judgment of November 2, 2007, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) of the Federal Rules of Civil Procedure simply says, "A motion to alter or amend a judgment must be filed no later than ten days after the entry of the judgment." This is a mandatory requirement, and Mr. Barrera did not comply with the requirements of that rule and cannot take any benefit from it.



The Motion to Alter or Amend Judgment pursuant to Rule 59(e) of the Federal Rules of Civil

Procedure is DENIED.

SIGNED this the 24 day of October 2008.


Brian Sparks

UNITED STATES DISTRICT JUDGE